

August 1, 2007 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

07AN0369

Mary D. Lewis

Matoaca Magisterial District
10410 Beaver Bridge Road

REQUEST: A Variance to use a parcel of land which has no public road frontage for dwelling purposes in an Agricultural (A) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. There are no physical surroundings, shape or topographical conditions on this property that a particular hardship would result to the owner if the requirements of the Zoning Ordinance were carried out and a public road constructed to State standards.
- B. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.

GENERAL INFORMATION

Location:

Property is known as 10410 Beaver Bridge Road. Tax ID 704-654-2592. Access will be across 704-654-7481, 704-655-7403 and 705-654-1782 and 705-655-2320 (Sheet 22).

Existing Zoning:

A

Size:

5.0 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - A; Residential and vacant

South - A; Vacant

East - A; Residential and vacant

West - A; Vacant

Utilities:

Public water and sewer services are not available on Beaver Bridge Road.

General Plan:

(Southern and Western Area Plan)

Rural conservation use

DISCUSSION

The applicant requests a Variance to use a parcel of land which has no public road frontage for dwelling purposes. The applicant has indicated the access to the subject property will be over two (2) private access easements from Beaver Bridge Road from Point A to Point C, as shown on the attached plat.

The applicant provides the following justification in support of this request:

I would like to build a single family dwelling next door to my brother and sister-in-law. This request will not be detrimental to adjacent property because they were approved for the same type of Variance on their property.

The Board of Zoning Appeals hears requests for no public road frontage when the subject property was recorded prior to 1980 and/or is being subdivided and sold or given to a member of the property owner's immediate family. In this case, the applicant has indicated the property was recorded prior to 1980.

The subject property was purchased by Mary D. Lewis on November 27, 2006. It consists of five (5) acres and is zoned Agricultural (A). The applicant has indicated she would like to construct a single family dwelling on the subject property which is adjacent to her brother's property at 10406 Beaver Bridge Road. Ms. Lewis and her brother will share the ingress and egress to their properties.

Staff notes the applicant has indicated she will use a thirty (30) foot private access easement from

Point A to Point B and a fifty (50) foot private access easement from Point B to Point C. Staff's field inspection revealed a combination dirt, gravel and red slate (crushed) road approximately fifteen (15) feet in width.

The Chesterfield County Fire Department has requested that an applicant with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. Also, the road needs to have at least a fourteen (14) foot clearance to overhanging objects. Condition 2 will address their concerns.

As required by the Zoning Ordinance, the applicant has provided no information that would serve as a basis for granting this Variance. No physical surrounding shape or topographical conditions exist on the property that would present a particular hardship to the property owner if this Variance were denied. There are no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

This request is based on financial consideration rather than physical hardship or other conditions that are not applicable to other properties in the area. Therefore, staff cannot support this request.

Staff believes that the Board should deny this request for the reasons previously noted.

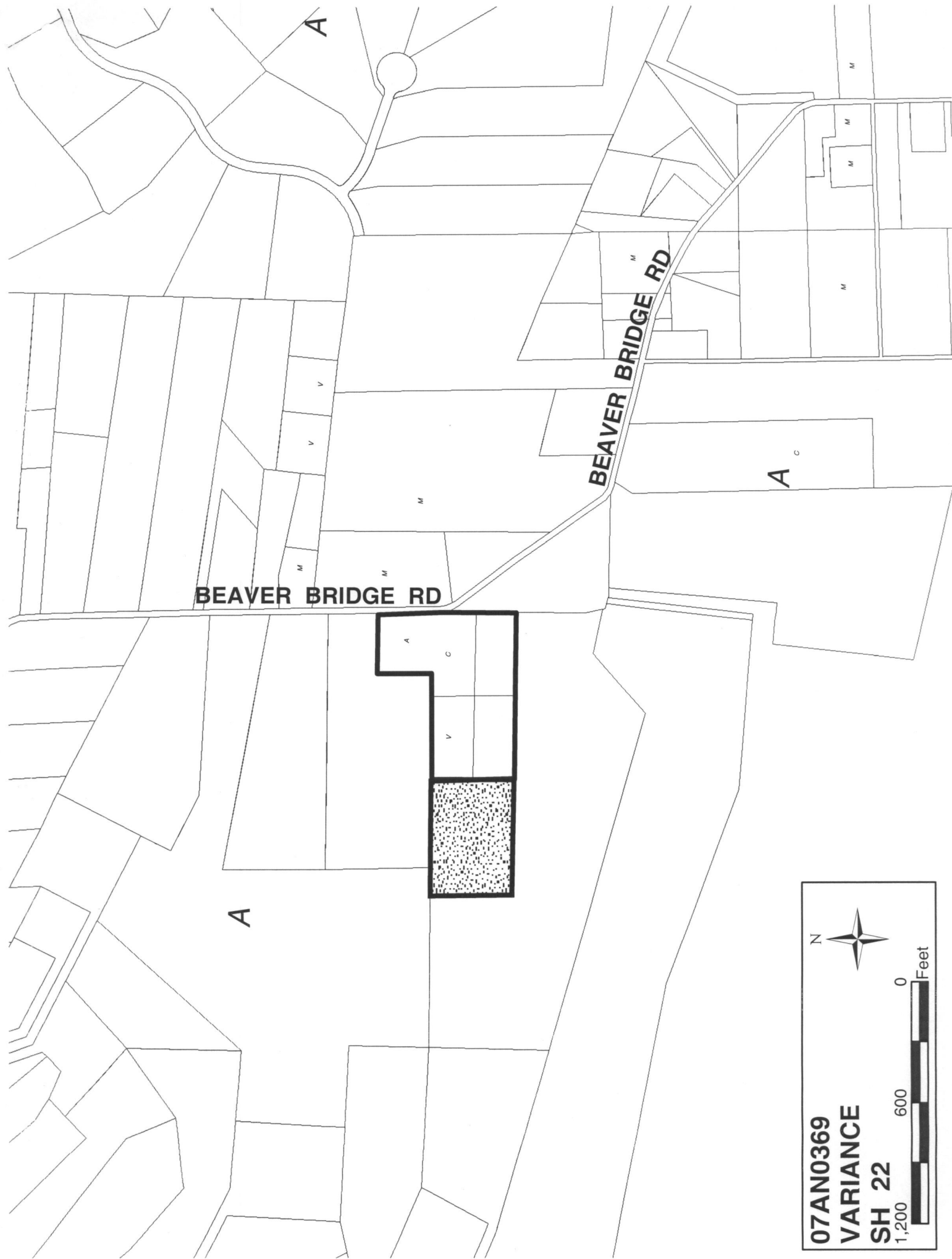
However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

CONDITIONS

1. Prior to approval of a building permit, the applicant shall provide a copy of a recorded instrument which will include the following:
 - (a) A condition that shall require that no structure or fence shall be constructed to block the access.
 - (b) A condition that shall require the landowner of the subject property to be responsible for maintenance of the access.
 - (c) A thirty (30) foot private access easement from Point A to Point B, and a fifty (50) foot private access easement from Point B to Point C, as shown on the plat attached to the staff report. (P)
2. A fifteen (15) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point C in accordance with the following standards:
 - (a) This roadway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone and/or crushed red slate, if an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting

the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.

- (b) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
 - (c) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - (d) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.
 - (e) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - (f) Any cross drains shall be designed to accommodate a minimum ten (10) year storm. (P)
- 3. Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this roadway to determine compliance as set forth above. (P)
 - 4. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to the property. The house numbers shall be displayed in at least four (4) inch high numbers. (P)
 - 5. The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided. (P)



07AN0369
VARIANCE
SH 22
1,200 600 0 Feet

This page is blank.



This page is blank.



07ANO 369-2

This page is blank.



BEAVER BRIDGE RD

BEAVER BRIDGE RD

07AN0369